

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

TODD WOLF,

Plaintiff,

Case No.: 23-cv-149

v.

CITY OF SHEBOYGAN, MAYOR RYAN SORENSON in his individual and official capacity, CITY ATTORNEY CHARLES ADAMS in his individual and official capacity, ALDERWOMAN BARBARA FELDE, in her individual and official capacity, ALDERWOMAN ROBERTA FILICKYPENESKI, in her individual and official capacity, ALDERWOMAN AMANDA SALAZAR, in her individual and official capacity, ALDERWOMAN ANGELA RAMEY, in her individual and official capacity, ALDERWOMAN BETTY ACKLEY, in her individual and official capacity, ALDERMAN ZACHARY RUST, in his individual and official capacity, ALDERMAN DEAN DEKKER, in his individual and official capacity, ALDERWOMAN GRAZIA PERRELLA, in her individual and official capacity, PRESIDENT SHEBOYGAN AREA SCHOOL DISTRICT MARY LYNNE DONOHUE, in her individual capacity; MAYA HILTY; and JILL HALL,

Defendants.

DEFENDANTS CITY OF SHEBOYGAN, MAYOR RYAN SORENSON, CITY ATTORNEY CHARLES ADAMS, ALDERPERSON BETTY ACKLEY, ALDERPERSON DEAN DEKKER, ALDERPERSON BARBARA FELDE, ALDERPERSON ROBERTA FILICKY-PENESKI, ALDERPERSON GRAZIA PERRELLA, ALDERPERSON ANGELA RAMEY, ALDERPERSON ZACHARY RUST AND ALDERPERSON AMANDA SALAZAR'S FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6) PARTIAL MOTION TO DISMISS PLAINTIFF'S COMPLAINT

NOW COME Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderperson Betty Ackley, Alderperson Dean Dekker, Alderperson Barbara

Felde, Alderperson Roberta Filicky-Peneski, Alderperson Grazia Perrella, Alderperson Angela Ramey, Alderperson Zachary Rust, and Alderperson Amanda Salazar, (hereinafter jointly referred to as “Defendants”) by and through the undersigned attorneys, and hereby move to partially dismiss Plaintiff’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). In support of their motion, and in support thereof, Defendants state as follows:

1. On or about February 6, 2023, Plaintiff filed a Complaint in the United States District Court Eastern District of Wisconsin (hereinafter “Plaintiff’s Complaint”) asserting a violation of freedom of speech and retaliation, due process rights (property, liberty), conspiracy, and unlawful conversion of personal property.

2. Plaintiff personally served Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderperson Betty Ackley, Alderperson Dean Dekker, Alderperson Barbara Felde, Alderperson Roberta Filicky-Peneski, Alderperson Grazia Perrella, Alderperson Angela Ramey, Alderperson Zachary Rust, and Alderperson Amanda Salazar with his Complaint on or about February 6, 2023.

3. Based on the Brief and Memorandum of Authorities in Support of their Partial Motion to Dismiss, filed contemporaneously herewith and by reference incorporated hereto, this Motion is timely and it is proper for this Court to dismiss, as a matter of law, Claims One and Five of Plaintiff’s Complaint, the official capacity claims asserted against these individually named Defendants in Claims One and Three as well as the claim for declaratory judgment asserted by Plaintiff in Claims One through Four.

4. The pleadings and other supporting documents referenced hereunder show that Plaintiff has failed to state a claim upon which relief could be granted.

5 Defendants request an opportunity to present oral argument of this Motion.

WHEREFORE, Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderperson Betty Ackley, Alderperson Dean Dekker, Alderperson Barbara Felde, Alderperson Roberta Filicky-Peneski, Alderperson Grazia Perrella, Alderperson Angela Ramey, Alderperson Zachary Rust, and Alderperson Amanda Salazar request that this Court enter an Order dismissing Claims One, Four and Five of Plaintiff's Complaint in their entirety as a matter of law for failure to state a claim upon which relief may be granted and for such other further relief as the Court deems just and equitable in the premises.

MWH LAW GROUP LLP

Attorneys for Defendants City of Sheboygan, Mayor Ryan Sorenson, City Attorney Charles Adams, Alderperson Betty Ackley, Alderperson Dean Dekker, Alderperson Barbara Felde, Alderperson Roberta Filicky-Peneski, Alderperson Grazia Perrella, Alderperson Angela Ramey, Alderperson Zachary Rust, Alderperson Amanda Salazar, and President Sheboygan Area School District Mary Lynne Donohue

By: /s/ Electronically signed by Warren E. Buliox

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